

REMARKS

In the present application, claims 1-65 are pending. New claims 62-65 are hereby added to more completely claim the invention.

In the Action, the Examiner required restriction of the claimed invention under 35 U.S.C. § 121 between two groups. The Examiner's Group I (claims 1-36, 62) is directed to a process for producing legume products, classified in class 426. The Examiner's Group II (claims 37-61, 63-65) is also directed to a process for producing legume products, and also classified in class 426.

In response to the Examiner's Restriction Requirement in the Action, Applicants hereby elect, with traverse, claims 1-36 and 62 (Examiner's Group I), as amended herein, directed to a process classified in class 426. Applicants submit that new process claim 62 is properly included in Examiner's Group I.

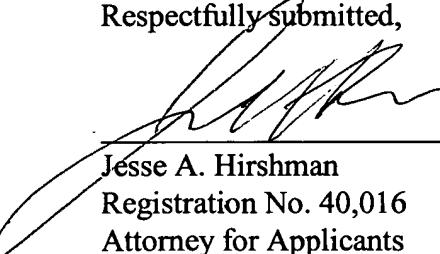
Applicants respectfully submit that the restriction requirement set forth in the Action is improper because a search and examination of the entire application would not place a serious burden on the Examiner. (See MPEP §803 - stating if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions).

Applicants submit that Examiner's Groups I and II include many essentially identical limitations that will require the same or similar searches. For example, the process of original process claim 37 (Group II) should be searched to properly search original process claim 32 (Group I) because both reference using an organic acid in the claimed process. Also, the process of original claim 1 (Group I) should be searched to properly search new process claims 63 – 64, which clearly fall within Group II because all reference using an advanced flight pressure vessel

and a hydrostatic loop in the claimed process. As such, Applicants submit that a search encompassing all of the limitations of claims classified in either Examiner's Group I or Examiner's Group II should not require any supplementation, or at least no significant supplementation, to encompass the other Examiner's group as well. Additionally, the claims of both Examiner's groups primarily include process claims classified in the same class (Class 426). For at least these reasons, Applicants submit that it would not seriously burden the Examiner to examine claims 37-61 and 63-65 in addition to claims 1-36 and 62.

For the reasons set forth above, Applicants respectfully request reconsideration of the restriction between the Groups I and II claims and allowance of claims 1-65. Applicants also request that the Examiner call the undersigned to discuss any additional questions or concerns with respect to the above-referenced patent application.

Respectfully submitted,



Jesse A. Hirshman
Registration No. 40,016
Attorney for Applicants

Customer No. 26285

KIRKPATRICK & LOCKHART LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312
Telephone: (412) 355-8966
Facsimile: (412) 355-6501
E-mail: jhirshman@kl.com